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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, and
DEPARTMENT OF HEALTH, STATE OF
HAWAII,

Plaintiffs,

V.

JAMES H. PFLUEGER; PFLUEGER
PROPERTIES; AND PILA`A 400 LLC,

Defendants.

NO. CV 06-00140 BMK

FIRST AMENDED CONSENT DECREE;
APPENDIX A

APPENDIX A

TO CONSENT DECREE

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5TH CIRCUIT COURT
STATE OF HAWAII
FILED
2004 DEC 22 AM 11:27

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JAMES PFLUEGER,
PFLUEGER PROPERTIES, and
PILA'A 400, LLC

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

STATE OF HAWAII

| | | |
|--|---|---------------------------------|
| COUNTY OF KAUAI, a municipal corporation |) | CIVIL NO. 02-1-0160 |
| |) | (Other Civil Action) |
| |) | |
| Plaintiff, |) | STIPULATION BETWEEN THE COUNTY |
| |) | OF KAUAI AND JAMES H. PFLUEGER, |
| vs. |) | PFLUEGER PROPERTIES, AND PILA'A |
| |) | 400, LLC FOR DISMISSAL WITH |
| JAMES H. PFLUEGER, individually; |) | PREJUDICE AS TO ALL CLAIMS AND |

G:\Kauai County\Plead\Stipulation

APPENDIX A

PFLUEGER PROPERTIES, a Hawai'i) ALL PARTIES
Limited Partnership; PILA'A 400, LLC; and)
DOE ENTITIES 1 through 50,)
)
Defendants.)
_____) (No trial date set.)

**STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER,
PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS
TO ALL CLAIMS AND ALL PARTIES**


Pursuant to Rule 41(a)(1)(B) of the Hawaii Rules of Civil Procedure, it is hereby stipulated by and between the parties, Plaintiff County of Kauai ("County") by its Deputy County Attorney, Laurel K.S. Loo, and Defendants James H. Pflueger, Pflueger Properties, and Pila'a, 400, LLC (collectively "Pila'a"), by their respective attorney, Wesley H.H. Ching, Esq., that all claims are hereby dismissed with prejudice, each party to bear its own attorney's fees and costs.

Pursuant to the Settlement Agreement entered between the County and Pila'a, the Court shall retain jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2". There are no remaining parties or issues in this action aside from the Court's retention of jurisdiction of Civil No. 02-01-0160 solely for approval of the "Pila'a 400 Remediation Plan - Package 2".

There was no trial date set for this matter.

DATED: Honolulu, Hawaii, Revised Dec 17 2004

LAUREL K. S. LOO
Attorney for Plaintiff
COUNTY OF KAUAI


WESLEY H. H. CHING
Attorney for Defendants
JAMES H. PFLUEGER, PFLUEGER
PROPERTIES, and PILA'A 400, LLC

COUNTY OF KAUAI, a municipal corporation v. JAMES H. PFLUEGER, individually; PFLUEGER PROPERTIES, a Hawai'i Limited Partnership; PILA'A 400, LLC, CIVIL NO. 02-1-0160, Fifth Circuit Court, State of Hawai'i; STIPULATION BETWEEN THE COUNTY OF KAUAI AND JAMES H. PFLUEGER, PFLUEGER PROPERTIES, AND PILA'A 400, LLC FOR DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS AND ALL PARTIES